

REMARKS

Claims 1-3, 5-13 and 15-18 are pending in this application. By this Amendment, the specification and claims 1-3, 8-12 and 16-17 are amended and claims 4 and 14 are cancelled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, the above amendments are merely for clarity and do not raise any new issues. For example, independent claim 1 is amended to include features of dependent claim 4 and independent claim 11 is amended to include features of dependent claim 14. The amendments also simplify the issues on appeal by relating to displaying an initial menu. No new issues are raised. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects the claims under 35 U.S.C. §103(a) over various combinations with U.S. Patent 6,904,610 to Bayrakeri et al. (hereafter Bayrakeri), U.S. Patent 5,805,763 to Lawler et al. (hereafter Lawler), U.S. Patent 6,018,372 to Etheredge, U.S. Patent 5,831,663 to Waterhouse et al. (hereafter Waterhouse), U.S. Patent 5,734,853 to Hendricks et al. (hereafter Hendricks), U.S. Patent 6,101,180 to Donahue et al. (hereafter Donahue), U.S. Patent 6,314,572 to La Rocca et al. (hereafter La Rocca), U.S. Patent 6,169,543 to Wehmeyer et al. (hereafter Wehmeyer) and U.S. Patent No. 5,861,906 to Dunn et al. (hereafter Dunn). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites displaying a menu on the TV in response to a viewer's request for an environment setting, transmitting environmental information selected by the viewer using the displayed menu along with a server address and a viewer's ID number to the server from the TV. Independent claim 1 also recites storing the environmental information into the server to correspond to the viewer's taste, transmitting a download request of environmental information inputted by the viewer from the TV to the server, transmitting the environmental information corresponding to the download request from the server to the TV, and executing the environmental information downloaded to the TV. Still further, independent claim 1 recites the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings.

The applied references do not teach or suggest all the features of independent claim 1. More specifically, Bayrakeri does not teach or suggest the claimed displaying a menu on a TV and transmitting environmental information selected by the user using the displayed menu, as recited in independent claim 1. Rather, Bayrakeri discloses a head end 102 (FIG. 1) that contains a program guide wherein the program guide is not inputted or stored by the user. Rather, the user merely manipulates the user interface of the program guide. Rather, the user merely manipulates a user interface of the program guide. The other applied references do not teach or suggest the claimed displaying the menu and transmitting environmental information selected by the viewer using the displayed menu as recited in independent claim 1.

The Office Action (on page 2) states that Bayrakeri does not teach the environmental information adjustment relating to broadcast information settings. The Office Action then

Reply to Office Action dated January 26, 2007

asserts that Lawler's col. 13, lines 18-23 teaches these missing features. However, Lawler's col. 13, lines 18-23 states that an interactive station controller 18 may periodically poll a head end 12 to determine whether a record tag has been set for a program and that the interactive station controller 18 may control the recording device 23 to record the associated program. See Lawler's FIG. 1. However, these features do not teach or suggest transmitting environmental information selected by the viewer using the displayed menu along with a server address and a viewer's ID number to the server from the TV. Lawler's polling of a head end does not suggest all the claimed features.

Furthermore, Lawler's col. 13, lines 18-23 does not teach or suggest a selection (i.e., selected) by a viewer using a displayed menu. In summary, Lawler's col. 13, lines 18-23 does not correspond to transmitting environmental information to the server from the TV, where the environmental information comprises information relating to (channel settings,) broadcast reservation settings (and screen color settings). At best, Lawler's col. 13, lines 18-23 merely relates to an interactive station controller 18 polling a head end 12 to determine whether a record tag has been set for a program. The mere polling of whether a program has been set does not correspond to transmitting environmental information where the environmental information comprises information relating to (channel settings,) broadcast reservation settings (and screen color settings) as recited in independent claim 1.

Additionally, there is no suggestion of how Lawler's polling may be combined with Bayrakeri's rendering of a custom-IPG. This combination, at best, would result in creating a

program guide at a head end and polling the head end. This combination does not suggest the claimed features.

The Office Action (on page 3) states that the limitation of “broadcast reservation settings” is broadly interpreted to mean “pre-program the recording device to record the association program.” However, applicant respectfully submits that the applied references, as a whole, do not teach or suggest transmitting environmental information selected by the viewer using the displayed menu, where the environmental information comprises information relating to channel settings, broadcast reservation settings and screen color settings. The Office Action’s attempt to combine references to find the claimed environmental information is based on impermissible hindsight.

The Office Action (on page 4) also appears to state that Bayrakeri’s col. 25, lines 46-47 corresponds to the environmental information comprising information relating to channel settings. However, Bayrakeri does not teach or suggest displaying a menu on a TV in response to a viewer’s request for an environmental setting and transmitting environmental information selected by the viewer using the displayed menu, where the environmental information comprises information relating to channel settings (broadcast reservation settings and screen color settings). Merely because Bayrakeri discloses channel settings, there is no suggestion for the other features of independent claim 1 or for the combination with other features so as to include transmitting environmental information from a server to the TV where the environment information comprises information relating to channel settings (broadcast reservation settings and screen color settings).

Reply to Office Action dated January 26, 2007

Applicant respectfully submits that the Office Action relies on impermissible hindsight in order to combine various references so as to find the respective features. That is, there is no suggestion in the references for the alleged combination. Rather, the only suggestion for the claimed features is provided in applicant's own specification.

Still further, when discussing features relating to displaying the menu (in previous dependent claim 4), the September 13 Office Action states that Bayrakeri, Lawler, Waterhouse and Etheredge do not teach or suggest the claimed displaying the menu in response to the viewer's request for environmental settings. The Office Action then relies on Wehmeyer's col. 11, lines 32-37, col. 7, lines 61-67 and col. 8, lines 1-3. However, Wehmeyer merely relates to storing program guide information, generating a menu and customizing the menu. There is no suggestion that these features may be combined with the other references so as to teach or suggest the claimed displaying a menu and transmitting environmental information selected by the viewer using the displayed menu. Stated differently, Wehmeyer in combination with Bayrakeri (and the other applied references) do not suggest displaying a menu and transmitting environmental information selected by the viewer using the displayed initial menu.

Additionally, the September 13 Office Action states that Bayrakeri fails to disclose that environmental information is inquired based on an ID number of a viewer. The Office Action then cites Dunn's col. 6, line 64-col. 7, line 4 and col. 8, lines 24-44. However, the cited section does not relate to the missing feature of transmitting environmental information selected by the viewer using the displayed menu along with a viewer's ID number. The mere identification of a viewer does not suggest the missing claimed features.

Reply to Office Action dated January 26, 2007

The September 13 Office Action (on page 4) states that Bayrakeri's col. 25, lines 1-13 teaches the claimed transmitting a download request of environmental information. However, the cited section merely relates to delivery of a custom-IPG from the head end to the STT. This does not correspond to transmitting a download request of environmental information, where the environmental information relates to channel settings, broadcast reservation settings and screen color setting, as recited in independent claim 1.

For at least the reasons set forth above, the applied references as a whole do not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 8 recites displaying an initial menu in response to a viewer's request of environment setting, and transmitting a download request of environmental information inputted by the viewer to the server based on the displayed initial menu along with a server address and a viewer's ID number. Independent claim 8 also recites receiving environmental information corresponding to the download request from the server, and changing former environments into environments suitable for the viewer's taste based on the received environmental information, wherein the environmental information is inquired from the server based on an ID number of the viewer. Still further, independent claim 8 recites that the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings.

For at least similar reasons as set forth above, the applied references do not teach or suggest or suggest all the features of independent claim 8. That is, the applied references not

Reply to Office Action dated January 26, 2007

teach or suggest displaying an initial menu in response to a viewer's request of environment setting and transmitting a download request of environmental information inputted by the viewer to the server based on the displayed initial menu along with a server address and a viewer's ID number. Additionally, when discussing "transmitting the download request," the Office Action cites Bayrakeri's col. 25, lines 7-11. However, the cited section does not relate to transmitting a download request of environmental information. Rather, the cited section merely states that data is transmitted and a generated custom IPG is delivered from the head end of the STT. This does not relate to a download request. Furthermore, the cited section does not relate to displaying an initial menu and transmitting a download request of environmental information inputted by the viewer to the server based on the displayed initial menu. For at least these reasons, the applied references do not teach or suggest all the features of independent claim 8. Accordingly, independent claim 8 defines patentable subject matter.

Independent claim 11 recites a server for storing environmental information selected by the viewer, the server providing the environmental information when the viewer requests download. Independent claim 11 also recites a controller for reading a menu from a memory, for displaying the menu to allow the user to select environmental information and for transmitting the selected environmental information along with a server address and a viewer's ID number to the server, the controller transmitting a download request to the server when the viewer requests download of the environmental information, the controller executing the environmental information downloaded from the server and changing former environments into environments suitable for the viewer's taste. Still further, independent claim 11 recites the environmental

Reply to Office Action dated January 26, 2007

information comprises information related to channel settings, broadcast reservation settings and screen color settings.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 11. For example, the applied references do not teach or suggest a controller for reading a menu from a memory, for displaying the menu to allow the user to select environmental information and for transmitting the selected environmental information along with the server address and the viewer's ID number to the server. As discussed, the applied references do not teach or suggest features relating to the displayed menu. Additionally, the applied references do not teach or suggest the controller transmitting a download request. Still further, the applied references do not teach or suggest that the environmental information comprises information related to channel settings, broadcast reservation setting and screen color settings. The Office Action also does not suggest transmitting the selected environmental information along with a viewer's ID number. Accordingly, the applied references do not teach or suggest all the features of independent claim 11. Thus, independent claim 11 defines patentable subject matter.

Independent claim 16 recites input means for inputting a viewer's environmental information, display means for providing the viewer with an initial menu for selecting the environmental information, and network connecting means for transmitting the environmental information along with a server address and a viewer's ID number to the server through the network and downloading the environmental information from the server. Independent claim 16 also recites storing means for storing the initial menu, an environment change program and

changed environmental information, and controlling means for executing the environment change program and changing former environments into the viewer's environments if the environmental information is received from the network connecting means through the network. Still further, independent claim 16 recites that the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 16. More specifically, the applied references do not teach or suggest the claimed displaying means for providing a viewer with an initial menu for selecting the environmental information. Furthermore, the applied references do not teach or suggest the claimed network connecting means for transmitting the environmental information along with a viewer's ID number. Still further, the applied references do not teach or suggest the claimed network connecting means for downloading environmental information from the server. Accordingly, the applied references do not teach or suggest all the features of independent claim 16. Thus, independent claim 16 defines patentable subject matter.

Independent claim 10 recites receiving environmental information selected by the viewer along with a server address and a viewer's ID number, storing the environmental information corresponding to the viewer's ID number, and receiving a download request of environmental information inputted by the viewer from the TV, inquiring whether or not there is the viewer's environmental information based on the viewer's ID number included in the download request. Still further, independent claim 10 recites reading the environmental information corresponding

Reply to Office Action dated January 26, 2007

to the viewer's ID number when the viewer's environmental information is inquired, and transmitting the read environmental information to the TV. Independent claim 10 also recites that the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 10. The Office Action states that Bayrakeri teaches the claimed receiving a download request of environmental information input by the viewer from the TV. The Office Action cites Bayrakeri's col. 25, lines 13-14 for these features. However, the cited section does not relate to receiving a download request of environmental information in combination with transmitting the read environmental information in the TV where the environmental information comprises information relating to channel settings, broadcast reservation settings and screen color settings. Accordingly, the applied references do not teach or suggest all the features of independent claim 10. **[Please consider deleting.]**

Independent claim 18 recites that the program when executed, causing the processor to perform: receiving environmental information selected by a viewer along with a server address and a viewer's ID number, storing the environmental information corresponding to the viewer's ID number, and receiving a download request of environmental information inputted by the viewer. Independent claim 18 also recites inquiring whether or not there is the viewer's environmental information based on the viewer's ID number included in the download request, reading the environmental information corresponding to the viewer's ID number if the viewer's environmental information is inquired, and transmitting the read environmental information to a

TV. Independent claim 18 also recites that the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 18. Thus, independent claim 18 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 8, 10, 11, 16 and 18 define patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-3, 5-13 and 15-18 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **09/930,441**

Docket No. **HI-0042**

Reply to Office Action dated January 26, 2007

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,



David C. Oren

Registration No. 38,694

P.O. Box 221200

Chantilly, Virginia 20153-1200

(703) 766-3777 DCO/kah

Date: April 24, 2007

Please direct all correspondence to Customer Number 34610